

12102



**FIRST-TIER TRIBUNAL  
PROPERTY CHAMBER  
(RESIDENTIAL PROPERTY)**

**Case Reference** : **MAN/00CG/LSC/2015/0055**

**Property** : **Various apartments at Wicker Riverside,  
North Bank, Sheffield, S3 8JT**

**Applicants** : **The leaseholders of 54 apartments  
(see Annex)**

**Applicants' representatives** : **Mr P. Currie, of Counsel and Mr E.  
Thompson, Blaser Mills Solicitors.**

**Respondent** : **Nine Developments Limited**

**Respondent's representative** : **Mr J. O'Mahony, of Counsel**

**Type of Application** : **Service Charges, Section 27(a) and Section  
20C of the Landlord and Tenant act 1985.**

**Tribunal Member** : **Judge C. P. Tonge, LLB, BA.  
Mr M. C. W. Bennett BSc, MRICS.**

**Date** : **23 November 2016**

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**Decision**

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## **Background**

1. By an application dated 22 May 2015, 54 long leaseholders at “the property”, who appear to be part of an unrecognised tenants association, required the Tribunal to decide payability and reasonableness of service charges for service charge years 2012, 2013 and 2014.
2. It is not necessary to detail here the history of the manner in which this case has proceeded because the case has been resolved by means of a consent order.
3. The Tribunal inspected “the building” between 10 am and 12 noon on Friday 29 January 2016. Persons present during the inspection were: on behalf of the Respondent, an officer of the Respondent’s company Mr Vivek Chadha, represented by Mr D Nandhra, Solicitor and Mr R Devereux-Cooke, of Counsel. Four of fifty four Applicants were also present, Aleya Chowdhury (apartment 312) Shaheda Begum (apartment 307) Amina Malik (apartment 207) Shahibur Rahman (apartment 111), represented by Mr J Lowe, of Counsel.
4. The building is a purpose built block of flats, built on land adjoining the river Don, close to the centre of Sheffield, having 132 apartments. One side of the building is ten stories high and has a common entrance door giving access to a common entrance lobby with a lift and stairs giving direct access to all ten floors. The other side of the building has a similar entrance arrangement, but this side of the building is five stories high, the lift and stairs here give direct access to five stories. However, by the use of interconnecting stairs and corridors all common parts of the building can be accessed once inside the common areas.
5. There are five vacant shop units at ground level that face onto the river, the paved area outside these shops also forming part of the complex. There is a common electric shutter entrance to an internal car park that is on seven levels. There are various rooms and areas off the ground floor of the car park.
6. It is not necessary to provide further detail as to the inspection because the case has been resolved by means of a Consent Order.

## **The final hearing**

7. The final hearing commenced at 10am on 23 November 2016 at the Employment Tribunal Building in Sheffield. Ten of the Applicants were present, namely, Amina Malik, Tony Lyon, Cassius Campbell, James Christmas, Aleya Chowdhury, Shahibur Rahman, S Begum, Gary Hensby, Richard Baker and Alex Haywood. The Tribunal was made aware that at some point during the morning an eleventh Applicant arrived at the hearing, but the Tribunal were not informed as to the identity of that person. The Applicants are represented by Edward Thompson, of Blaser Mills Solicitors and Counsel, Phillip Currie. Mr G S Chadha, an officer of the Respondent company attended, represented by Counsel, Jonathan O’Mahoney.

8. The Parties in the case reached an agreement as to the outcome of the case and drafted a Consent Order which the Tribunal hereby approves, adopting the terms of that order as the Tribunal Decision in this case. The Tribunal reminds the parties that if this Decision needs to be enforced, this is done through the County Court.
9. The Tribunal has no jurisdiction to require the Parties to comply with the terms of the Annex to the Consent Order, but understands that the County Court can never the less enforce the agreements in the Annex as they are a subsidiary part of the Consent Order and as such the terms of the Annex are recoded here;
  - 1) The Respondent undertakes to provide to the Applicants within 14 days of the date of this order a breakdown of the Service Costs by Flat for each Applicant giving the arrears covering the period up to March 2016.
  - 2) The Respondent agrees to provide the statement in accordance with clause 14.3 of the lease for the service Charge Year ending December 2015, by 31 December 2016.
10. No other orders are made.

### **Decision**

11. As per the Consent Order, an original signed copy of which is held on the Tribunal papers, the Tribunal repeats the terms of the Consent Order that-
  - 1) The Applicants shall pay to the Respondent the sum of £10,000 in full and final settlement of all arrears of Service Costs owed by the Applicants for the Service Charge Years 2012, 2013 and 2014. Payment to be made by 31 December 2016.
  - 2) The Respondent agrees that all of the costs of these proceedings shall not be recoverable by way of Service Costs.

## Annex

## List of Applicant Leaseholders

Anthony Lyon	102
Syed Yeasin Ahmed	103
James Christmas	105
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Bobby Md Zia Saeed	109
Pusnpananthan Jeganathan	110
Shahibur Rahman	111
Ifedolape Laleye	201
Garry Baker & Peter Dowsing	202
Mr J Groves, Mr L Jones & Ms S Jones	203
Mr J L Campbell [Contact: Cassius Campbell]	205
Amina Malik	207
G A Hall & L E Green	210
Haji Abdullah Malik	212
Mr B Foot & Ms Julia Foot	214
Mr D J D Foot & Mr P C B Foot	215
Sarinder Dalal & Premia Dalal	217
Mustafa Mehmood	218
Lea Bragagnini & Gregg Taylor	301
S A Macfarlane & C A Macfarlane	303
Shaheda Begum	307
Errol Omar Ghanie	311
Aleya Khatun Chowdhury	312
Mr E Ellis & Ms J Culkin	313
Kastur Patel & Vanisha Patel	314
P L Shah, D I Shah & K L Shah	315
Ji Qiao & Xiaoying Zhu	317
Mr R M A Renwick	401
Radhika Tandon	407
Manoherial Mistry & Mitesh Mistry	414
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Mr A R Hayward & Ms L A Hayward	416
Umesh K Mistry & M K Mistry	419
M S Baura & B J S Baura	421
Michael Dyer	422
Mr Charles Cross & Ms Laura Hart	424
Gary Hensby	501
Bushra Khan	502
Ms Louisa A A Jules	506
Mr Travis McKechnie	505
Mr Richard Baker & Mr Gary Hensby	507
Amarjit S Kahai & Gursham Kahai	511
Mr Richard Baker & Mr Gary Hensby	517
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Viginprakash Varsani	526
Anil Mirpuri	603
Rohit Mirpuri	607
Mr G A Hall & Ms J Hall	702
Mr R I Green & Llyndall Green	703
M K Mohindra & A Mohindra	704
Jayshree Shah (Dinesh Shah)	708
Anita Gupta & Jitesh Gupta	803
Jayant Ramchand Gulraj	903
Ghansham Mulchandani	1004